

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

PAUL ENOS and DAVID FREITAS,
individually and as Representatives of a Class
of Participants and Beneficiaries on Behalf of
the Adidas Group 401(k) Savings and
Retirement Plan,

Plaintiff,

v.

ADIDAS AMERICA, INC.,

Defendant.

Case No. 3:19-cv-01073-YY

ORDER

IMMERGUT, District Judge.

On August 26, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”). ECF 74. The F&R recommends that this Court grant Defendant Adidas America, Inc.’s Motion to Dismiss. ECF 67. No party filed objections. ECF 81. For the following reasons, the Court ADOPTS Judge You’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge You’s conclusions. The F&R, ECF 74, is adopted in full. Defendant’s Motion to Dismiss, ECF 67, is GRANTED.

IT IS SO ORDERED.

DATED this 30th day of November, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge